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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KATHLEEN M. SKONBERG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. _____
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
_____	)	

COMPLAINT FOR MEDICAL MALPRACTICE

COMES NOW plaintiff, Kathleen M. Skonberg [hereinafter "Kathleen"]  
and for her complaint alleges as follows:

**Parties and Jurisdiction**

1) She is an adult Alaskan Native and resident of or near Kodiak, Alaska  
within the District of Alaska.

2) The Alaska Native Medical Center [hereinafter "ANMC"] was and is a federally funded state-of-the-art hospital offering comprehensive medical care to Alaskan Natives.

3) ANMC is owned and operated by the Alaska Native Tribal Health Consortium, a non-profit tribal health organization and co-signatory to the Alaska Tribal Health Compact. As such, it receives funding from, and is an instrumentality of, defendant United States vis-a-vis the Indian Health Service.

4) Any medical malpractice committed by the ANMC through its employees, agents, and instrumentalities is actionable under the *Federal Tort Claims Act*, 28 USC §§ 1346, 2401, and 2671 *et seq.*

5) Dr. Norman C. Rokosz, M.D. [hereinafter "Dr. Rokosz"] was and is licensed in Alaska as a physician, specializing in the field of neurological surgery.

6) Upon information and belief, Dr. Rokosz was and is, at all times pertinent, board-certified in neurological surgery and was acting within the scope of that certification during the events giving rise to the instant claim.

7) Dr. Rokosz is affiliated with the ANMC and was, at all times pertinent, acting as defendant United States of America's agent, either as an employee, agent, co-participant or instrumentality.

8) At all times pertinent, Kathleen was Dr. Rokosz's patient.

### **General Allegations and Claims**

9) More than six months ago, Kathleen submitted an administrative claim, i.e., a "Claim for Damage, Injury, or Death" on Standard Form 95, to the appropriate federal agency within the meaning of 28 USC § 2675(a).

10) Said agency has denied the claim, either expressly or by failing to make a final disposition of it within six months, as contemplated by 28 USC § 2675(a).

11) On June 28, 2016, Dr. Rokosz surgically implanted a spinal cord stimulator ["SCS"] to alleviate Kathleen's back-pain condition.

12) Following that implant procedure, Kathleen developed many complications and problems including, but not limited to: pain, fever, headaches, left-flank tenderness, redness, infections, and a wound-site that wouldn't properly heal.

13) After months of medical visits and assessments, it was determined that the SCS had to be removed.

14) On March 7th, 2017, Dr. Rokosz attempted to surgically remove the SCS system and battery entirely.

15) Even following that attempt, the surgical wound-site continued to show signs of infection and would not heal properly.

16) Additionally, Kathleen experienced severe back pain.

17) In late 2017, care-providers discovered that two foreign objects -- i.e., silastic anchors used in the aid of suturing -- had been left in the subcutaneous tissues surrounding Kathleen's thoracic spine.

18) In a separate procedure, those foreign bodies were removed.

19) Dr. Rokosz's failure to remove the silastic anchors during earlier procedures, and/or his failure to properly treat Kathleen's underlying condition, and/or his failure to properly implant the SCS system, and/or his failure to properly explant and remove the SCS system, constituted extreme and gross departure(s)

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from the standard of care, as well as recklessness within the contemplation of AS 09.55.549(f).

20) Leaving foreign objects behind also constituted a "sentinel event" for purposes of reporting-requirements promulgated by The Joint Commission, i.e., a nationally-recognized hospital accreditation authority.

21) As a direct and proximate result of the negligence and recklessness alleged herein, Kathleen has suffered, or will suffer --

(a) Non-economic losses including, but not limited to: pain-and-suffering; inconvenience; additional complications, emotional distress, psychological injury, and loss of enjoyment of life, and;

(b) Economic losses including, but not limited to: medical and therapy-related expenses; lost earnings; and loss of domestic- and non-market-services.

22) Defendant United States is liable to Kathleen for medical negligence and recklessness in the minimum sum of \$100,000.00, the exact amount to be proved at trial.

\* \* \* \* \*

WHEREFORE, Kathleen prays for judgment as follows:

- 1) For compensatory damages in her favor against defendant United States, as alleged;
- 2) For costs as may be appropriate.
- 3) For such other relief as the court may deem just and proper.

DATED at Anchorage, Alaska, this 19th day of June, 2019.

THE LAW OFFICES OF DAVID HENDERSON

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s/ David Henderson

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